

## REMARKS

Claims 1-22 have been cancelled. New claims 23-30 have been added. Accordingly, claims 23-30 remain pending.

The Examiner has rejected claims 1-22 for double patenting and under 35 USC 103(a) as being unpatentable over Cheffetz and Yanai. Claims 1-22 have been cancelled.

It is believed that a terminal disclaimer is no longer required since claims 1-22 have been cancelled and new claims 22-30 are believed to be patentably distinct from the claims of U.S. Patent 5,799,141 and U.S. Patent 6,308,283B1.

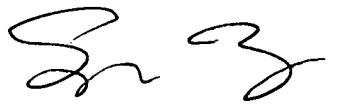
New claims 22-30 are also believed to be allowable over the cited references since neither Cheffetz and Yanai, either alone or in combination, teach or suggest “transmitting the change information through a network, wherein the transmission is initiated substantially concurrently with a time the change to the file occurs” as recited in claim 23, 29, and similarly in claim 30.

Claims 24-28 depend from claim 1 and are believed to be allowable for the same reasons described above.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment with additions underlined and deletions struck through. The attached page is captioned “Version with markings to show changes made.”

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



Susan C. Yi  
Registration No. 39,883  
V 408-973-2591  
F 408-973-2595

VAN PELT AND YI, LLP  
10050 N. Foothill Blvd., Suite 200  
Cupertino, CA 95014

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**AMENDMENTS TO THE CLAIMS**

23. (New) A method for data protection comprising:
  - accessing a file in a computer system;
  - capturing change information representing a change to the file; and
  - transmitting the change information through a network, wherein the transmission is initiated substantially concurrently with a time the change to the file occurs.
24. (New) The method of claim 23 wherein the change is a write operation.
25. (New) The method of claim 23 wherein the change is a file operation.
26. (New) The method of claim 23 wherein the file is accessed by an application program.
27. (New) The method of claim 23 wherein the change information is transmitted to a second computer.
28. (New) The method of claim 23 wherein the change information is transmitted to a remote computer.
29. (New) A system for data protection comprising:
  - a processor configured to access a file in a computer system; capture change information representing a change to the file; and transmit the change information through a network, wherein the transmission is performed substantially concurrently with the time the change to the file occurs; and
  - a memory coupled with the processor, wherein the memory is configured to provide the processor with instructions.
30. (New) A method for data protection comprising:
  - providing a first file;

receiving change information representing a change to a second file, wherein the change information is transmitted through a network, and wherein the transmission is initiated substantially concurrently with a time the change to the file occurs.

updating the first file with the change information.